Central Intelligence Agency

Washington, D.C. 20505

13 December 1996

MEMORANDUM FOR: Executive Director
Assassination Records Review Board

SUBJECT: (U) Identity of Human Sources

(We request that this memorandum be returned to CIA once the Review Board has completed its deliberations on the issues discussed below.)

1. (U) **Issue.** The purpose of this memorandum is to relate CIA's concerns to the Review Board regarding the release of the true names of human sources of intelligence which appear in the JFK Collection and to present a proposal on how this problem could be addressed.

I. Factual Background

2. (U) In general, CIA "sources" are foreign nationals, recruited and living in a foreign country, who provide information to the U.S. Government under a promise of confidentiality. Their act of passing information to the U.S. is generally against the national interest of their own country and would be considered espionage, which is a capital offense in most countries. Just as in this country when a spy is caught, should a CIA source be discovered, it would be "headline news," even 30 years after the fact. The Review Board will recall that when former National Security Agency employee Robert Lipka was arrested approximately a year ago for espionage he allegedly committed 30 years earlier, this received a lot of attention in the United States. Lipka is currently awaiting trial in the U.S. for his alleged espionage activities.

3. (U) This month, the Review Board will be considering approximately 50-60 true names of human sources for release. These particular sources range from encrypted

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assets to one-time contacts. It is our understanding that additional source names appear throughout the JFK Collection and will be reviewed in the future. It is important, therefore, that the Review Board and CIA agree on a consistent method of dealing with source names appearing in the JFK Collection at this time so as not to impede the future review of documents.

4. (C) The Review Board has recently developed a policy for releasing the true names of covert CIA employees. Although there are many similarities between covert employees and sources, there is an important difference that should be reflected in the way the Review Board looks at this issue. With CIA covert employees who are mentioned in this collection, it has been possible in some instances to go to them and seek their permission to reveal their names. Some of these former employees have even been made available for interviews and depositions. With most sources, it is not possible to do this. First, CIA has dropped contact with some of these sources and may not be able to locate them. Attempting to find these individuals would create some risk of creating suspicions that they were or are associated with this Agency or the U.S. Government. If CIA were unable to locate a particular source, there would still be some risk in releasing his name. Just because CIA cannot locate him, does not mean that he is not alive and well-known in his own community. Even if we were able to locate a source without risk to his safety, it is probable that he would not want to be visited by the CIA again after so many years. More than likely, sources do not now want their past association revealed when they have undoubtedly moved on in their lives to do other things. Some may be in political or private enterprise positions where CIA affiliation would damage them professionally and/or harm them and their families personally.

5. (U) Another important distinction that needs to be taken into account is the difference between CIA and Federal Bureau of Investigation (FBI) "sources." Perhaps the most significant difference is that many FBI sources provide information with the understanding that the information and the source will be publicly revealed. FBI sources are often used in criminal prosecutions as witnesses. CIA, on the other hand, promises secrecy and confidentiality to its sources. CIA sources rarely appear at public trials. In fact, not only is the identity of CIA sources protected from public acknowledgment, but also it is closely held within the Agency itself. Another difference is the fact that a

foreign national cooperating with CIA is usually committing a unique violation of his own country's laws--espionage. If one gets caught committing espionage, the punishment in many countries is for a capital offense. On the other hand, a foreigner who cooperates with the FBI is not usually committing espionage. Cooperation may be with the full knowledge of his government--such as cooperation in a criminal investigation. Therefore, the risks for cooperation with the FBI are not usually as great as cooperation with CIA. In addition, the FBI has greater means for protecting individuals who provide information to it, for example, the witness protection program, which CIA does not have.

II. Legal Considerations

6. (U) Although Section 11(a) of the JFK Act provides that when the Act requires release of information, it takes precedence over all other laws that would otherwise prohibit the true names of sources. CIA believes that it is important for the Review Board to consider the laws, which have been growing and developing over the years, to protect classified information because they clearly reflect a larger U.S. Government policy to protect intelligence sources.

7. (U) By Executive Order (E.O.)and statute, the President and Congress have made the Director of Central Intelligence (DCI) responsible for protecting intelligence sources. In his Directive of 22 January 1946 which established the Central Intelligence Group, President Truman made the DCI responsible for protecting sources. With the establishment of the CIA, Congress also gave the DCI this responsibility. The National Security Act of 1947, Section 103(d)(3), codified at 50 U.S.C. §403(3)(c)(5), ***requires*** the DCI to protect intelligence sources from unauthorized disclosure. In addition, §403(3)(d)(2) ***requires*** the DCI to ensure that risks to the United States and those involved in the collection of intelligence through human sources are minimized.

8. (U) Protecting the identity of individuals working with or for CIA has been of particular concern to U.S. lawmakers since the establishment of the Agency. For example, with Section 6 of the Central Intelligence Act of 1949, 50 U.S.C. 1949 §403g, Congress specifically exempted the CIA from the provisions of any law requiring the publication or disclosure of the organization, functions, names, titles, salaries or numbers of personnel employed by the Agency. Although the purpose of this law is to protect

employees of the CIA, and not assets or contacts, it indicates Congress' intent from early on to protect those working covertly for the U.S. Government.

9. (U) In 1980, Congress passed the Classified Information Procedures Act (CIPA) which sets out pretrial, trial, and appellate procedures for criminal cases involving or potentially involving classified information. Working with the Department of Justice and the courts, CIA has successfully protected intelligence sources from public release even in criminal trials where there are heightened (i.e., constitutional) considerations favoring disclosure to the defendant of all government information relevant to the defense. CIPA allows for *in camera ex parte* hearings in which the judge can rule on questions of admissibility and relevancy of classified information, including the identity of human sources who may have information pertaining to the defense, before it is introduced either to the defendant or defense counsel, or in open court. In some cases involving CIA, the judge has ordered that CIA information be turned over to the defense, but only in some unclassified form such as in a summary. In other cases, judges have reviewed the classified information and ruled that the harm to national security outweighs the defendant's legal rights to the information. In still other cases, the defense was never notified that CIA even had information bearing on the case as the judge ruled that the mere fact that CIA possessed this information was classified and outweighed any rights the defendant had. Moreover, under CIPA, the Attorney General has the authority to drop a prosecution in those cases where the risk to national security is too great.

10 (U) In 1982, Congress acted to protect human intelligence sources by passing the Intelligence Identities Protection Act of 1982, 50 U.S.C. §421 which criminalizes the revelation of a source's identity. This Act subjects anyone who reveals information that identifies a covert agent to prosecution with up to 10 years in prison and $50,000 in fines. A covert agent includes: (a) a U.S. citizen whose intelligence relationship with the U.S. Government is classified and is acting abroad as an agent, informant or source of operational assistance to an intelligence agency; and (b) an individual, other than a U.S. citizen whose past or present intelligence relationship to the U.S. is classified information and who is a present or former agent or informant of, or is of operational assistance to, an intelligence agency.

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11. (U) These statutes are just a few examples of a larger government policy to protect human sources from public disclosure.[1] There has also developed over the years a significant amount of case law which further implements this policy. For example, in Sims v. CIA, 10 S.Ct. 1981 (1985), the Supreme Court held that pursuant to the National Security Act, the DCI had the authority to protect from release to Freedom of Information Act requesters the identities of individuals conducting research on projects financed by CIA. The Supreme Court further stated that the DCI's authority to protect sources was broad, and was not limited to only those individuals who were guaranteed confidentiality.

12. (U) Most recently, President Clinton signed an Executive Order on classified national security information which came into effect in October 1995. Although it requires that agencies make greater declassification efforts than the prior Executive Order, Executive Order 12958 affords human sources extra protection from its declassification provisions. Under E.O. 12958, information that is over 25 years old and has historical value must be declassified within five years. However, information revealing the identity of a human source may continue to be protected.

13. (U) The above federal statutes and case law show a long-standing practice of protecting human sources who provide intelligence information to the U.S. Government. In carrying out its statutory obligations, the Review Board should give serious weight to this policy and afford the protection of human sources the highest priority.

III. Operational Considerations

14. (U) As the Review Board is well aware, in order for CIA officers to effectively collect intelligence around the world, they cannot acknowledge publicly that they work for CIA and, conversely, CIA cannot acknowledge a particular individual's affiliation with it. This is true even more so with sources. In addition to the risk to a source's personal safety, discovery of a CIA source would also reveal any operations he was conducting and CIA case officers with whom he was meeting or might even cast suspicion on the

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[1] (U) The Freedom of Information Act (FOIA), 5 U.S.C. §552 is another example of a federal statute that allows for the protection of human sources. Although the FOIA generally mandates release of government documents, exemption b(3) allows for withholding from release information that is exempted from disclosure by statute. The National Security Act has been held by the Supreme Court to be such a withholding statute. Sims v. CIA, 105 S.Ct. 1981 (1985).

affiliation of innocent family and friends. This is no less true with a source who no longer works for the Agency. A source's prior affiliation with CIA is normally still classified in order to protect him, his former contacts at CIA, the CIA facilities at which he may have been meeting with case officers, the cover mechanisms employed to protect his affiliation with CIA, and the operations which he conducted.

15. (U) The public disclosure of an individual's affiliation with CIA could and, in fact, has threatened the safety and lives of not only the source, but also their families, colleagues, officials of foreign governments and other foreign nationals with whom they have had contact. The Review Board will certainly recall the Proenza case (since this was released by the Board in August 1995) in which a number of Cuban officials were falsely believed to be CIA agents. They were arrested, convicted and spent years in prison for their alleged treasonous activities and their professional and personal lives were ruined. The threat of violence to those who are in fact associated with CIA is even more real. These individuals live and work in foreign countries, many of which have a local population hostile to the United States and especially CIA. If one should doubt the risks that those affiliated with CIA face, one only has to recall that, in 1992, two CIA employees were murdered while waiting to turn into CIA Headquarters in Virginia. If this type of attack is possible right at the CIA's front gate, it is not hard to imagine the personal risks that those working with the CIA abroad face. Clearly, the risk is that much greater for those who are sources: for example, as a result of Aldrich Ames' disclosures to the KGB, 10 Soviets who were covert assets of the CIA were executed.

16. (U) Incidents such as these clearly demonstrate that the policy of protecting association with the CIA is an important one. Individuals associated with CIA have been and will continue to be subjected to threats, reprisals and physical injuries from foreign intelligence services, terrorist groups, and other persons or organizations hostile to CIA or the U.S. Government. Individuals choose to undertake these risks for many different reasons, but it is with the condition that the CIA will protect their cooperation with the U.S. Government.

IV. Proposal

17. (U) In light of the foregoing, CIA believes it is important to work toward a general policy of protecting CIA sources in the JFK Collection. The Agency proposes that in

most cases a substitution for the true name be used. In prior releases of these same documents, the Review Board agreed to redact the true name and substitute "source." If the Review Board is concerned about tracking particular sources throughout the records, a particular identifying substitution can be used for an individual source throughout (for example, "Mexican source 1").

18. (S) Among the names that are currently being considered for release by the Review Board, the following are some that the CIA proposes be treated in this manner:

- True name of LIRING/3, an encrypted asset of the CIA and unilateral penetration of the Cuban Embassy. His wife also worked at the Embassy and he was apparently suspected as being CIA though it was never proven. LIRING/3 at some point disappeared and we have no way of knowing what his current situation is.

- True name of ERTHYROID/3, the unilateral penetration of the Nicaraguan Service. The Review Board will recall that it has already been fully briefed on ERTHYROID/3 and had agreed to the protection of the fact that he was a unilateral source.

- Anthony C. M. Devere (104100121002 2) was [is] a member of the British Service. As such, he was [is] a liaison source. This raises concerns about protection of our liaison relationships. Moreover, Mr. Devere's identity constitutes "foreign government information" which, as the Board has already been informed, the CIA does not have the authority to release.

19. (S) Another type of name that similarly should be protected from release is the new identity provided to a defector. Although defectors do not face some of the dangers that "assets" overseas face, they are still given new identities for their protection because there is some risk to their personal safety even in the U.S. For example, in this collection the identity of Golitsyn appears in documents being reviewed this month.[2] Since the time of his defection, Golitsyn has utilized successive identities, because they have been unofficially disclosed, that have not

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[2] (S) Golitsyn's identity had to be changed again. However, there is a risk that revealing this former identity could lead to the identification of Golitsyn's current identity.

been officially released and that are closely held within the Agency. This is done for his own protection and that of his family even though they live in the United States. CIA cannot, at this time, agree to the official release of Golitsyn's assumed new identities or for that matter of any defectors that appear to date in the collection.

20. (S) CIA has noted that in some cases a source is identified by only a first name or a code name. Where CIA has been unable to identify any information about that individual or there is no other source revealing information that has been revealed in the JFK Collection, it would be possible to release that name. For example, in a few documents, the name "Tota" appears. To date, CIA has been unable to determine who this person is and there does not appear to be any further source revealing information in the collection. It is probably that "Tota" is just a code name or a street name known to his colleagues. As "Tota" is a common name, such a release would not threaten the particular individual or his family, and as the person can not be identified it would not seriously undermine the U.S. Government policy to protect intelligence sources.

21. (U) The Agency recognizes that some names may be particularly important to the JFK story. In such cases, the CIA is willing to work with the Review Board to come to the appropriate resolution. CIA proposes that it conduct a record search for information on that individual. It may be that in these cases, if the person is deceased and has no living family, that the Review Board and the CIA can agree that the value of revealing the true name outweighs the need to protect that source from disclosure.

22. (U) It is our hope that the CIA and the Review Board can work out a mutually agreeable policy regarding the identity of human sources that will not undermine the important policy of protecting those who work covertly for the U.S. Government. As usual, my staff and I are available to discuss this matter with you.

John F. Pereira

John F. Pereira
Chief, Historical Review Group

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13-00000

MEMORANDUM

September 25, 1998

To: Laura Denk
Executive Director

cc: Bob Skwirot
CIA Team Leader

From: Michelle Combs
Associate Director for Research and Review

Subject: No Evidence of Contact Between Lee Harvey Oswald and the CIA's Office of Operations

One of the enigmas that has surrounded Lee Harvey Oswald's defection and re-defection is the question of whether the CIA's Office of Operations (later the Domestic Contacts Division) interviewed or took note of Oswald either before his trip or upon his return from the Soviet Union. The available evidence is somewhat contradictory. The CIA has long claimed that Oswald was never a source, asset, or employee of the CIA. Yet, a November 25, 1963 memorandum discusses the recollections of a CIA staff officer that the Agency considered interviewing Oswald. Further, another former CIA officer, Donald E. Deneselya, has stated that he recalls reading an OO debriefing report in the summer of 1962 from a former Marine re-defector who had worked at the Minsk Radio Factory. The Review Board could not corroborate the recollections of the two former CIA officers with additional records or information.

In an effort to clarify the mystery, the Review Board searched for records that might confirm or deny any contact between Oswald and the CIA before or after his time in the Soviet Union. In the early 1960's, the Office of Operations (OO) was a part of the Directorate of Intelligence. This office, which interviews American citizens who might have come into contact with information or individuals of intelligence interest overseas, later became the Domestic Contacts Division (DCD) of the Directorate of Operations. This office normally only contacts individuals after receiving questions or requirements from intelligence community customers looking for particular types of information.

The Review Board staff examined OO records and operational histories to gain an understanding of OO practices in the late 1950's and early 1960's. The Review Board staff could find no evidence of contact between Oswald and OO either before or after his time in the Soviet Union. Had Oswald departed for his trip to the Soviet Union through New York City, as did most travelers, he possibly might have come to the attention of OO. The Review Board staff did not locate any reference or record to Oswald's departure from New Orleans via freighter that predates the assassination. The Review Board staff also could not locate any information to

document an OO interest in Oswald upon his return from the Soviet Union. While OO was interested in interviewing tourists to the Soviet Union for general information in the 1950's, by 1962 only travelers with special access, knowledge, or skills were of intelligence interest. OO had no specific policy covering contacts with returning defectors although a local field office could initiate a contact if justified by a particular situation. According to the records located, OO only made contact with three of twenty-three defectors in the 1954-1962 time period. No records or reporting showing any OO contact with Oswald could be located. The Office of Operations did interview re-defector Robert Edward Webster in June 1962 on his work at the Plastics Institute of Leningrad.

While a DCD "A" file on Oswald does exist in the CIA's sequestered collection, most of the documents in the file are from the mid-1970's, none predate the assassination, and the file appears to have been created as DCD personnel attempted to locate any evidence of contacts with Oswald in response to various congressional investigative bodies. This file has been processed for inclusion in the JFK Collection at the National Archives.

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File 4.50 (Wrap Up Memos)

13-00000

9 October 1997

Memorandum to: Jeremy Gunn
Executive Director
Assassination Records Review Board

From: J. Barry Harrelson
JFK Project Officer
CIA/CSI/HRG

Subject: October 14 Meeting - Source Names

Reference: "A" Name List of Sources

(CIA requests that this memorandum and its attachments be returned once the Review Board has completed its deliberation on the names discussed below.)

1. Manuel Calvillo, an unwitting source of Alfonso Wichtrich (see below). Calvillo became a figure in the JFK story, when Elena Garro de Paz identified him as the person who sequestered her in a hotel after she protested at the Cuban Embassy. Because of this link to stories related to Oswald's visit to Mexico City, Calvillo is considered a JFK assassination figure. His name and all assassination-related information have been released in collection. However, his crypt when linked to his true name has been deleted. The CIA requests that his crypt not be released when associated with the true name in order to protect Wichtrich and other involved with the LIHUFF project. The linkage of Calvillo's true name with his crypt could lead to his association with and identification of Wichtrich and his assistant.

2. CIA concurs with the release of the following name in the specific documents cited:

Miguel Nazar-Haro in documents 104-10052-10058 and 104-10014-10016.

Because of the relationship of this individual with the CIA, future documents containing his name must be reviewed on a case-by-case basis; there may be situations in which the Agency will request that the name be protected.

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3. Phillipe Thyyraud De Vosjoli:

Former head of the French Service in Washington (1951-63), De Vosjoli retired and became a CIA/FBI asset. As a USG asset, he had contact with German and Canadian Intelligence Services in the mid-1960s and early 1970s. He became a naturalized US citizen c.1971. Apparently his case was not handled in normal defector channels as the responsible component has no records of De Vosjoli. His 201 file shows that his last substantive contact with the Agency was in 1972 and was initiated by him from Florida. Although De Vosjoli has publicly acknowledged his unilateral relationship with the Agency during his tour in Washington, it is not clear if the extent of his activities following his defection is widely known. Official confirmation of his "defection" could potentially affect the Agency's foreign liaison relationships.

4. The CIA requests that the three names discussed below from the A List be protected. All are, or were, covert assets of the Agency. The Agency has a moral, and possibly a legal, obligation to protect their identities. As a basic tenet of the covert relationship, the Agency agreed to protect the fact of their relationships with the USG; and they, in turn, promised to keep those relationships secret. To our knowledge, the individuals have honored this basic contractual commitment. The Agency believes that the possible harm to the individuals, their families and/or associates, and the potential for damage to sensitive intelligence operations, outweigh the contribution the release of these three names would make to public understanding of the assassination. The Agency is particularly concerned about the erosion of the principle of protecting the identity of sources and the potential chilling effect on future agent operations and recruitment. The Agency is further concerned about the possibility of liability to the individuals and their families for failure to honor its commitments of confidentiality.

A. Franklin Anthony Garcia Wheelock.

The Agency acknowledges that Wheelock is a key figure in the Alavarado story, and it has released all information (including his crypt) except for his name. It is not known if Wheelock is still alive. However, he had five children who may still be living in Nicaragua and are probably unaware of their father's Agency relationship. The release of his name could have negative repercussions for Wheelock and his family. Nicaragua is a small, provincial place, and Wheelock's patronymic name is a prominent one in the country. Revelation of his name and his relationship with CIA would be quickly disseminated within Nicaragua, and his family members would be easily identified. Such

identification could result in anything from public humiliation to dangerous retaliation by the thriving leftist Sandinistas. In either case, disclosure would undercut the Agency's ability to recruit sources in small countries such as Nicaragua.

B. Jose Marie Mankel.

Mr. Mankel is a central figure in the Agency project named ZRRIFLE. The Agency has released his crypt and almost all the information related to the project. Mankel's relationship with the Agency commenced in November 1960 and ended in February 1964. Our files do not reflect any contact since that time. It is presumed that, if Mankel is still alive, he is living in Luxembourg.

Mankel had numerous acquaintances in European criminal circles, and, on behalf of Agency/ZRRIFLE interests, he sought out individuals from this element. Acknowledgment that Mankel worked for the USG/CIA could result in personal harm to him, his family, and associates. In addition, his 201 file, which is in the JFK collection, contains a number of references to his support of the Bureau of Narcotics and Dangerous Drugs. Given the potential compromise of individuals and operations totally unrelated to the JFK story, the Agency requests that Mankel's true name continue to be protected. Coordination with DEA may also be required in this case. Mankel's 201 File is available for review in the CIA secure area.

C. Alfonso Rudolph Wichtrich.

A WWII intelligence officer, Wichtrich worked with the Agency in Panama during 1947-49 and in Mexico City from 1954-70 in various capacities (Station contact, field agent, and contract agent). A prominent businessman, he was general manager of the Royal Crown Cola Company in Mexico and later was executive vice president of the American Chamber of Commerce in Mexico. During the JFK time frame, he was primary agent on a CA project (LIHUFF), initially set up to support a conservative front organization. He later became the sole focus of the project. In that role he also served as the cut-out for an unwitting individual, Manuel Calvillo (see above). Wichtrich's only link to the JFK story appears to be his relationship with Calvillo. A review of his files (OP, 201, C, Production) by the ARRB staff did not identify any other connection to the JFK story. A selection of documents from his file are attached.

Given Wichtrich's high profile, the release of his name could impact both past and future intelligence operations and directly affect Mr. Wichtrich and his family. His son had contact with the Panama City Station in 1979; we are trying to determine the extent of that relationship. In this case, the Agency believes that the potential for harm clearly outweighs the contribution the release of Wichtrich's name would make to the JFK assassination story.

J. Barry Harrelson

Attachments: As stated